

ORDINANCE NO. 2010-23-231

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA REQUIRING THE REGISTRATION OF ABANDONED PROPERTIES; PROVIDING FOR A REGISTRATION FEE; PROVIDING FOR DEFINITIONS; PROVIDING FOR PENALTIES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, due to the current economic climate and the number of abandoned residential properties within the City, there is an opportunity for squatters to break into these properties and reside there unbeknownst to the owners of these properties, and

WHEREAS, this problem is worsening due to the current foreclosure crisis, and

WHEREAS, former Councilwoman Barbara Watson is proposed that the City Council adopt an ordinance requiring a registration procedure for abandoned residential properties within the City of Miami Gardens, and

WHEREAS, in accordance with the proposed Ordinance, the City, through its Code Compliance Division will identify abandoned properties, that have not been registered and write violations for failure to comply, and

WHEREAS, violations will be processed through the City's Code Enforcement and Property Maintenance Ordinance, and

WHEREAS, the Code Compliance Division will maintain a list of these properties, which will identify which parties live in and/or own these abandoned properties and the same will be provided to the Police Department in the event of a "call for service,"

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. ADOPTION OF ORDINANCE: The City Council of the City of Miami Gardens hereby adopts an Ordinance requiring the registration of abandoned properties as outlined below.

Section 3. PURPOSE: The purpose of this Ordinance is to provide a mechanism whereby the City and its residents are made aware of abandoned properties within their respective neighborhoods, so that they can be mindful of and report suspicious behavior that can occur around these properties.

Section 4. DEFINITION: As used herein, the following terms shall have the following meanings:

- a) *Abandoned* shall mean any condition that on its own, or combined with other conditions, would lead a reasonable person to believe that the property is vacant and it is ultimately determined that the property is vacant. Such conditions may include, but not be limited to, overgrown or dead vegetation; potential for collapsing, falling or burning; disconnected electricity, water, or other utilities; stagnant swimming pool, or other evidence that the property is vacant.
- b) *Code enforcement officer or inspector* means any authorized agent or employee of the city whose duty it is to assure code compliance.
- c) *Mortgagee* means the creditor, including but not limited to, trustees; service companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement. For purposes of this article only, the term mortgagee does not apply to governmental entities.
- d) *Owner* means every person, entity, or service company, who alone or severally with others:

- (1) Has the legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit, building, structure, or parcel of land, vacant or otherwise, including a mobile home park; or
  - (2) Has care, charge, or control of any dwelling, dwelling unit, mobile dwelling unit, building, structure, or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including, but not limited to, agent, executor, executrix, administrator, trustee, or guardian of the estate of the holder of legal title; or
  - (3) Is a mortgagee in possession of any such property; or
  - (4) Is an agent, trustee, or other person appointed by the courts and vested with possession or control of any such property; or
  - (5) Is a person who operates a rooming house.
- e) *Property* means any real property, or portion thereof, located in the city, including buildings or structures situated on the property. For the purposes of this article only, property does not include commercial property or property owned or subject to the control of the city or any other governmental bodies.

Section 5. **REQUIREMENTS:**

All owners of abandoned properties as defined herein, shall be required to register said property with the City. Said registration shall include the following:

- a) The registration shall state the property address; the owner's name, mailing address, and telephone number; and email address.
- b) All property registrations are valid for one calendar year, and there shall be no registration fee.
- c) Once a property is no longer abandoned, the owner must provide proof of sale or written notice and proof of occupancy to the city.
- d) Owners who have registered a property under this Ordinance must report any change of information contained in the registration within ten (10) days of the change.
- f) Upon registration, abandoned properties must be posted with a decal to be provided by the City.

Section 6. Registration Fee.

The City Council shall establish the registration fee by separate resolution.

Section 7. Penalty; Enforcement.

This Ordinance shall be enforced in accordance with the City's Code Enforcement Ordinance No. 2004-11-27, as amended, and Property Maintenance Ordinance 2005-13-51, as amended. Any person found in violation of this Ordinance shall be punished by a fine not to exceed five hundred dollars (\$500.00) per violation, or by imprisonment not to exceed sixty (60) days, or both.

Section 8. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

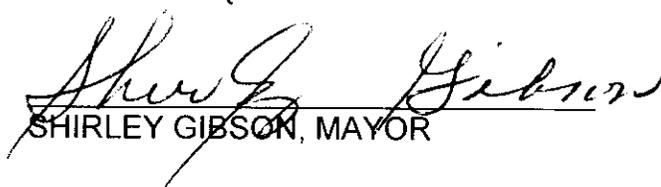
Section 9. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 10. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the section of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

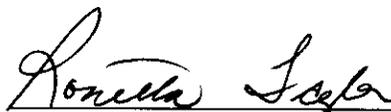
Section 11. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 28<sup>th</sup> DAY OF JULY, 2010.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 8<sup>th</sup> DAY OF SEPTEMBER, 2010.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA K. DICKENS, CITY ATTORNEY

SPONSORED BY: Councilman Andre Williams

Moved by: Councilman Williams  
Second by: Councilwoman Davis

**VOTE: 7-0**

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Aaron Campbell, Jr.	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Lisa Davis	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> X </u> (Yes)	<u> </u> (No)
Councilman André Williams	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Felicia Robinson	<u> X </u> (Yes)	<u> </u> (No)
Councilman Oliver Gilbert, III	<u> X </u> (Yes)	<u> </u> (No)